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1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA
Fish and Game Commission

May 17, 2011

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 300, 311, and 472, Title 14, California Code of Regulations, relating to upland game hunting, which will be published in the California Regulatory Notice Register on May 20, 2011.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

A handwritten signature in cursive script that reads "Sheri Tiemann".

Sheri Tiemann
Staff Services Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 3680 and 3800 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 215, 220, 355, 356, 3680, 3801 and 3801.5 of said Code, proposes to amend sections 300, 311 and 472, Title 14, California Code of Regulations, relating to upland game hunting.

Informative Digest/Policy Statement Overview

Amend Section 300, Title 14, CCR, Re: Upland Game Birds

Current regulations provide general hunting seasons for taking resident game birds. The Department is recommending 2 changes, including a range of permit numbers for the 2011 sage-grouse hunting season and changing the regulation for white-winged dove harvest to make it consistent with proposed changes to Federal regulations.

Existing regulations provide a number of permits for the general sage-grouse season in each of 4 zones. These specific numbers are replaced by a range of numbers for the 2011 season as listed below. The final number will be proposed in June after spring lek counts are completed and annual data are analyzed.

Permit ranges for sage-grouse hunting in 2011:

East Lassen: 0-50 (2-bird) permits
Central Lassen: 0-50 (2-bird) permits
North Mono: 0-100 (1-bird) permits
South Mono: 0-100 (1-bird) permits

Existing regulations in Section 300 (a)(3)(F)(2) provide for take by falconry and establish a 1 bird per day, 2 bird per season limit in the North Mono and South Mono zones. This regulation is inconsistent with subsections 300(a)(1)(D)(2) and 300 (a)(2)(D)(2) where the bag and possession limits are 1 per day and 1 per season, in the North Mono and South Mono zones.

Also, minor editorial changes are proposed to clarify and simplify the regulations.

Existing regulations permit white-winged dove harvest in San Bernardino, Riverside and Imperial counties. A proposal to amend the federal regulations to permit white-winged dove harvest throughout California and the entire Pacific Flyway has been made by the Pacific Flyway. If adopted by the Federal government, federal regulations would permit the harvest of white-winged doves throughout California. The proposal would make the state regulation consistent with the Federal regulation.

Additionally, an alternative is provided to consider an early youth-only hunt for chukar and quail in the Mojave National Preserve. This proposal from the National Park Service would provide for a youth-only hunt for chukar and quail for the first Saturday in October extending for two days. Existing regulations for general quail season in Zone Q3 (balance of the state excluding Zone Q2) open the quail and chukar seasons on the third Saturday in October and extends through the last Sunday in January.

Amend Section 311, Title 14, CCR, Re: Methods Authorized for Taking Resident Small Game

Current regulations provide methods authorized for taking resident small game. Air rifles are authorized for taking resident small game with a minimum of a 0.20 caliber for taking wild turkeys. This proposal would change regulations to allow a minimum of a 0.177 caliber for taking wild turkeys.

Amend Section 472, Title 14, CCR, Re: Non-game Animals

Under current regulations (Section 472, Title 14, CCR), only English sparrow and starling, both non-native, non-game birds, may be taken at any time of the year and in any number. The Fish and Game Code (Section 3680) however, provides for the take of domestic pigeon, in addition to English sparrow and starling (Section 3801).

The proposed regulatory change will improve the consistency of California Code of Regulations, Title 14, Section 472 with Fish and Game Code (Section 3680) and clearly provide for the take of domestic pigeons.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at the Lexington Plaza Waterfront Hotel, 110 West Fremont Street, Stockton, California, on Thursday, June 30, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the State of California, Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, August 4, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 28, 2011, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 1, 2011. All comments must be received no later than August 4, 2011, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Programs Branch, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There are no economic or business impacts foreseen or associated with the proposed regulation change.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Jon K. Fischer
Executive Director

Dated: May 10, 2011